

Ex. 21

1 UNITED STATES OF AMERICA  
2 UNITED STATES DISTRICT COURT  
3 CENTRAL DISTRICT OF CALIFORNIA  
4 WESTERN DIVISION

5 - - -  
6 HONORABLE MARIANA R. PFAELZER,  
7 UNITED STATES DISTRICT JUDGE PRESIDING  
8 - - -

9 NEUROGRAFIX, )  
10 ) CERTIFIED COPY  
11 PLAINTIFF, )  
12 )  
13 VS. ) CV 10-01990 MRP  
14 )  
15 SIEMENS MEDICAL SOLUTIONS )  
16 USA INC., et al., )  
17 )  
18 DEFENDANTS. )  
19 ----- )

20  
21  
22 MARKMAN HEARING  
23 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
24 THURSDAY, MARCH 24, 2011  
25 A.M. SESSION  
LOS ANGELES, CALIFORNIA

26  
27  
28 SHERI S. KLEEGER, CSR 10340  
29 FEDERAL OFFICIAL COURT REPORTER  
30 312 NORTH SPRING STREET, ROOM 402  
31 LOS ANGELES, CALIFORNIA 90012  
32 PH: (213) 894-6604

1 demonstrated, and some claims indeed are  
2 step-plus-function, if that phrase is not used.

3 In the analysis, Masco Corp., the gear  
4 system's case we cite, point to if it is a method claim  
5 with a step and a function, but it doesn't actually tell  
6 you what acts to perform to perform the function, well,  
7 then it's no different than -- well, then it's just  
8 considered under 1126 in the method context.

9 And here, these claims are. This is Claim  
10 36 on the screen.

11 Now, remember, Claim 55 talks about a  
12 process or a process or means. This is the step of  
13 processing said data representative anisotropic  
14 diffusion. The function is to generate a dataset  
15 describing the shape and position.

16 THE COURT: That is what the function is.

17 MR. LOCASCIO: And that is exactly the same  
18 function, not surprisingly, as it was is back in Claim  
19 55. And I'm not suggesting, Your Honor, that there's  
20 presumption that if you have it both as an apparatus and  
21 as a method that you automatically turn all those  
22 methods into step-plus-function.

23 But what I am saying is when you have  
24 language like this that doesn't tell you any act to  
25 perform in the claim to do it. Okay. What do I do to